

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 7, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Masica, Swenson and Mayor Hovland. Member Housh was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Swenson approving the Council Consent Agenda with the exception of Item IV.A. Request to Reject Bid for Garden Park Trail Improvements Phase I.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

MINNESOTA PARK AND RECREATION ASSOCIATION AWARD OF EXCELLENCE FOR EDINA'S ADAPTIVE HOCKEY PROGRAM Jon Oyanagi, River District Manager for the Minneapolis Park and Recreation Board presented an Award of Excellence from the Minnesota Recreation and Parks Association to Edina Adaptive Recreation. Susie Miller, Edinborough Park's Assistant Manager was the Adaptive Recreation Supervisor at the time the program was developed. Ms. Miller said that Edina's program for stand up ice hockey offered for the first time in the spring of 2006 was the springboard for MN Special Hockey and MN Sled Hockey. Sam Cashin, participant skater and two coaches, Chris Winkel and Rick Carlson were present for the presentation.

***MINUTES OF THE REGULAR MEETING OF JULY 17, 2007 APPROVED** Motion made by Member Masica and seconded by Member Swenson approving as presented the minutes of the Regular Meeting of July 17, 2007.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-83 ADOPTED GRANTING CONDITIONAL USE PERMIT & VARIANCE, CALVIN CHRISTIAN SCHOOL, 4015 INGLEWOOD AVENUE, BUILDING EXPANSION Affidavits of notice were presented approved and ordered placed on file.

Assistant Manager Worthington presented the request, stating Calvin Christian School had requested a variance and conditional use permit to allow a building expansion to their property at 4015 Inglewood Avenue. Ms. Worthington used graphics to illustrate the existing building, the site, the proposed addition, and the area where the setback would need a variance. She reported that the Zoning Board of Appeals approved the requested variance at their July 5, 2007 meeting. Further she reported the Planning Commission unanimously recommended approval of the conditional use permit and variance at their June 27, 2007 meeting. Ms. Worthington reviewed the findings of fact relative to the property as follows:

- A. Strict enforcement of Subsection 850.04 Subd. 1 subparagraph F. would cause undue hardship because of circumstances unique to the petitioner's property because of the

following circumstances unique to this property:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
 - a. the odd shaped lot caused by the curving of Inglewood Avenue;
 - b. the existing location of the building on the lot; and
 - c. the existing west building does not have ADA accessible bathrooms
 2. The variance would be consistent with the spirit and intent of Edina Code Section 850.04 Subd. 1. e., for the following reasons:
 - a. These are the only structures on this side of Inglewood Avenue. Visually the addition would have very little impact on the neighborhood.
 - b. The variance is for a minor point intrusion into the required setback.
- B. The establishment, maintenance and operation of the addition to the Calvin Christian School:
1. Will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals and general welfare;
 - a. The building addition and rearrangement of the on-site circulation would not be detrimental to the site. The use on the site would remain the same. The number of students at the school would also remain the same. Safety would actually be improved on the site by the physical separation of the parent drop-off area and the bus drop-off area.
 2. Will not cause undue traffic hazards, congestion or parking shortages;
 - a. The uses on the property would remain the same. There would be no increase in traffic or need for additional parking.
 3. Will not be injurious to the use and enjoyment, or decrease the value, of other property in the vicinity, and will not be a nuisance;
 - a. The building would upgrade the existing structure and circulation patterns on the site. The school is an existing use on the site, and will not decrease the value of property in the vicinity or cause a nuisance as defined in Edina's nuisance ordinance.
 4. Will not impede the normal and orderly development and improvement of other property in the vicinity;
 - a. As mentioned, the use exists on the site, and therefore, would not impede development of property in the area.
 5. Will not create an excessive burden on parks, streets, and other public facilities;
 - a. The addition would not create a burden on parks, street or other public facilities. The applicant has agreed to share in the maintenance costs of the shared driveway with Weber Park.
 6. Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and
 - a. The proposal meets all other zoning ordinance requirements.
 7. Is consistent with the Comprehensive Plan.
 - a. The use is conditionally permitted within the R-1 zoning district, therefore, is consistent with the comprehensive plan.

Ms. Worthington detailed the conditions recommended to be placed upon the approval:

1. The property owner must enter into an agreement with the city for an upgrade and the maintenance of the shared driveway with Weber Park
2. The variance will end one year from the date of approval, unless the city has issued a building permit for the proposal covered by this variance, or approved a time extension;
3. Review and approval of the landscape plan by the City Forester; and
4. The City Council may reasonably add or revise conditions to address any future unforeseen problems.

Ed Kodet, 15 Groveland Terrace, Minneapolis, Architect for the proponent, answered questions from the Council about the proposed building expansion. The Council questions included: whether or not an easement was needed for the shared driveway with Weber Park, event parking, lighting, concern regarding the wooded area to the north of the existing school, and possible event scheduling conflicts with Weber Park.

Staff explained the shared driveway easement will be part of the construction agreement between the Calvin Christian School and City of Edina and that lighting on the site would need to comply with City Code.

Mr. Kodet stated the Schools intent was to only remove one tree on Inglewood otherwise the previous areas would remain the same. He said the lighting would be security down light and it would not extend beyond the boundary of the property. Mr. Kodet said traffic circulation should improve with the expansion and redesign. He added the property had approximately sixty parking spaces and was in excess of the requirements of City Code. Mr. Kodet concluded stating he believed the school was amenable to taking care with scheduling their events and added the school was not expanding its enrollment only adding needed media center updates, accessible restrooms and offices.

No one appeared to comment on the proposed building expansion.

Motion made by Member Swenson and seconded by Member Bennett closing the public hearing.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

During their discussion the Council directed that two additional conditions be put in place: 1) the lighting plan must be reviewed and approved by City staff and 2) the addition must be built according to the plans presented to the City Council and with the materials as specified in Calvin Christian School's submittals. **Member Masica made a motion to adopt Resolution No. 2007-83 granting the conditional use permit and variance for the building expansion of the Calvin Christian School at 4015 Inglewood Avenue subject to the following conditions:**

1. The property owner must enter into an agreement with the city for an upgrade and the maintenance of the shared driveway with Weber Park

2. The variance will end one year from the date of approval, unless the city has issued a building permit for the proposal expansion covered by this variance, or approved a time extension;
3. Review and approval of the landscape plan by the City Forester;
4. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
5. Review and approval of the lighting plan by City staff.
6. The addition will be built according to final plans and with materials as presented at the August 7, 2007 City Council meeting.

Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT Rosanne Malevich, 4241 Alden Drive, presented a petition bearing the signatures of 29 residents of Alden Drive and requested assistance with the condition of the vacant property next to her home. Ms. Malevich expressed her frustration with the situation. The Council thanked her for bringing the issue to them. Manager Hughes explained the City will impose conditions on demolition permits that construction must commence within a specified time period or the lot must be filled in and grass seeded. He stated staff would address the Alden Drive concerns.

BID REJECTED GARDEN PARK TRAIL IMPROVEMENTS PHASE 1 Park Director Keprios explained only one bid had been received for the Phase 1 Garden Park Trail Improvements. He said that re-bidding the project in its entirety would receive more favorable bids in staff's opinion. **Motion made by Member Swenson and seconded by Member Masica rejecting the bids Garden Park Phase 1.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR TWO RICOH COPIERS - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Swenson awarding the bid for two digital black and white color printer/scanner/copiers to recommended low bidder, Metro Sales at \$24,437.65.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR GOLF CART BRIDGE REPLACEMENT - BRAEMAR GOLF COURSE** Motion made by Member Masica and seconded by Member Swenson awarding the bid for Braemar Golf Course Bridge Replacement, Improvement No. BR-4 to recommended low bidder, Bridge America, Inc. at \$15,825.00.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR ANNUAL MICROSOFT ENTERPRISE SOFTWARE LICENSE RENEWAL** Motion made by Member Masica and seconded by Member Swenson awarding the bid for Enterprise Software Agreement licenses renewal to recommended low bidder, Software House International at \$41,789.23.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2007-80 ACCEPTING SAFE & SOBER GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY** Motion made by Member Masica and seconded by Member Swenson to adopt Resolution No. 2007-80 accepting the Safe & Sober Grant from Minnesota Department of Public Safety.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-81 – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes, all donations to the City must be adopted by resolution and approved by a majority of favorable votes of the Council accepting the donations.

Member Bennett introduced Resolution No. 2007-81, accepting various donations, and moved approval. Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2007-82 SETTING SEPTEMBER 4, 2007 AS THE PUBLIC HEARING DATE FOR REQUESTED VACATION OF A PORTION OF WEST 41ST STREET** Motion made by Member Masica and seconded by Member Swenson to adopt Resolution No. 2007-82 setting September 4, 2007 as the date of the public hearing for the requested vacation of a portion of West 41st Street between Monterey and Lynn Avenues.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2007-84 ACCEPTING HOMELAND SECURITY GRANT FOR STRUCTURAL COLLAPSE EQUIPMENT AND TRAINING** Motion made by Member Masica and seconded by Member Swenson to adopt Resolution No. 2007-84 accepting up to \$75,000 from the State of Minnesota Department of Public Safety to purchase structural collapse equipment and training for the Edina Fire Department Special Operations Team.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-85 SETTING SEPTEMBER 4, 2007 HEARING DATE FOR DONCASTER WAY SIDEWALK Motion made by Member Masica and seconded by Member Swenson to adopt Resolution No. 2007-85 setting September 4, 2007 as the improvement hearing date for sidewalk improvements along Doncaster Way, Improvement No. S-092.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

ACTION CONTINUED TO AUGUST 21, 2007 DEMOLITION OF HOUSE AT 5130 FRANCE AVENUE SOUTH Building Official Kirchman explained staff recommended Council continue action on the property at 5130 France Avenue because staff was informed the property was in receivership. **Motion made by Member Bennett and seconded by Member Swenson to continue action on the demolition order for the house at 5130 France Avenue South until the August 21, 2007 Council meeting.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-87 SETTING SEPTEMBER 9, 2007 HEARING DATE FOR DONCASTER WAY SIDEWALK Motion made by Member Swenson and seconded by Member Masica to adopt Resolution No. 2007-87 setting September 4, 2007 as the improvement hearing date for sidewalk improvements along Halifax Avenue, Improvement No. S-100.

Ayes: Bennett, Masica, Swenson, Hovland
Motion carried.

PUBLIC HEARING HELD ON 2008 OPERATING BUDGET Affidavits of notice were presented approved and ordered placed on file.

Assistant Finance Director Roggeman presented the 2008 Operating Budget to the Council. He outlined the following highlights of the budget:

- Proposed Tax Levies
 - Total Truth In Taxation Increase 5.14%
 - General Fund Levy Increase 4.5%
 - Debt Levy Increase 9% Due To Debt For Fire Station Reconstruction
- Other Tax Considerations
 - Market Value Homestead Credit (MVHC) Restored By Legislature
 - Gym Bond Levy Reduced By \$185,794 – To Be Paid By Construction Surplus
 - Property Taxes Equal 70.6% Of General Fund Revenues
- General Fund Revenues Non Tax Changes
 - Licenses And Permits Budget Still Increasing, But Pace Is Slowing
 - Ambulance Revenue Increase \$120k
 - Fines & Forfeits Increase \$50k
 - Investment Income Increase \$75k
 - Liquor Transfer \$742,800
- General Fund Expenditures “Current Services”
 - 3.5% Cost Of Living Increase
 - \$25/Month Health Insurance (3.6%)
 - PERA Rate Increase
 - Commodities Costs Increasing
 - Comprehensive Plan
- General Fund Expenditures “New Service”
 - No New Full Time Positions Budgeted
 - Paths & Hard Surfaces Maintenance Budget Increased
- 2008 Budget Schedule
 - August 7: Public Hearing
 - August 21: Council Work Session
 - September 4: Adopt Maximum Levy
 - December 2007: Truth In Taxation Hearing
 - December 2007: Adopt Final Levy

Mr. Hughes reviewed the proposed schedule. The Council briefly discussed the proposed 2008 Budget. Questions included what staff members would assist the Energy &

Environment Commission and what per cent of property tax dollars were allocated to cities. Mr. Hughes explained it was thought the budget allocation for the Energy & Environment Commission would be used to hire consultant staff with expertise in the areas required by the Commission. He said he believed approximately 21 percent of property tax dollars came to the City.

Public Comment

Bob Kojetin, 5016 William Avenue, representing the Edina Historical Society requested \$42,000 assistance in funding full time staff person.

Dick Crockett, 6032 Schaefer Road, representing the Edina Public Art Committee requested a \$10,000 one time funding to aid in placing sculpture along the Promenade walkway.

Mary Brindle, 6901 Paiute Drive, reviewed the 2008 request from the Human Rights and Relations Commission Human Services Budget consisting of nine proposed service providers, the needed operating monies, Edina Resource Center Funding, and Research Planning and Coordination Funding totaling \$150,649.

Sharon Ming clarified the role of the RPC which she explained was the mechanism to address the research, planning and coordination of human services in Edina. She said RPC's mission was to ensure that the human service needs of Edina residents were identified through research and planning and where possible, met through the coordination of service providers.

Jeff Hulbert, 7507 West Shore Drive, explained he had developed a landscaping plan with MnDOT for the West 77th Street and Highway 100 area. He said volunteers will be planting landscaping to beautify the area. Mr. Hulbert said that assistance was needed from the City to maintain the area and he requested the 2008 Budget include maintenance for this area.

Member Masica made a motion seconded by Member Bennett to close the public hearing on the 2008 Operating Budget

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID Motion made by Member Masica and seconded by Member Swenson approving payment of the following claims as shown in detail on the check register dated July 19, 2007, and consisting of 32 pages: General Fund \$276,341.35 Communications Fund \$856.50; Working Capital Fund \$69,567.92; Art Center Fund \$7,379.72; Golf Dome Fund \$855.00; Aquatic Center Fund \$5,468.09; Golf Course Fund \$45,630.48; Ice Arena Fund \$2,883.78; Edinborough/Centennial Lakes Fund \$8,014.76; Liquor Fund \$156,638.29; Utility Fund \$350,341.63; Storm Sewer Fund \$174.84; Recycling Fund \$33,958.00; PSTF Fund \$3,297.34; Total \$961,407.70; and for approval of payment of claims dated July 25, 2007, and consisting of 32 pages: General Fund \$89,694.51; Communications Fund \$340.72; Working Capital Fund \$811,771.36; Construction Fund \$8,107.74; Art Center Fund \$9,368.47; Golf Dome Fund \$4,469.23; Aquatic Center Fund \$19,918.21; Golf Course Fund \$30,846.35; Ice Arena Fund \$14,135.18;**

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Edinborough/Centennial Lakes Fund \$43,612.56; Liquor Fund \$152,832.92; Utility Fund \$383,025.05; Storm Sewer Fund \$626,710.86; PSTF Fund \$15,365.07 Total \$696,065.74; and for approval of payment of claims dated August 1, 2007, and consisting of 36 pages: General Fund \$756,812.57; Communications Fund \$26,875.73; Working Capital Fund \$22,853.29; Construction Fund \$106.49; Art Center Fund \$17,965.31; Golf Dome Fund \$1,230.64; Aquatic Center Fund \$6,958.76; Golf Course Fund \$24,485.27; Ice Arena Fund \$11,047.87; Edinborough/Centennial Lakes Fund \$26,518.54; Liquor Fund \$148,522.68; Utility Fund \$61,437.86; PSTF Fund \$111.56 Total \$1,104,926.40.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council agenda, Mayor Hovland declared the meeting adjourned at 9:25 P.M.

Respectfully submitted,

Debra A. Mangen, City Clerk